

## CITY OF CANAL FULTON

September 15, 2009

### COUNCIL MEETING

Nellie Cihon, President ProTem called the September 15, 2009 City Council meeting to order at 7:00 PM in Council Chambers at City Hall.

### PLEDGE OF ALLEGIANCE

#### ROLL CALL

Present: Diane Downing, James Deans, Danny Losch, Nellie Cihon, Linda Zahirsky and Matthew Moellendick.

Absent: Mayor Grogan

Mr. Losch moved to excuse Mayor Grogan due to family matters, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Others Present: Mark Cozy, City Manager; Scott Fellmeth, Law Director; Tammy Marthey, Clerk of Council; Scott Svab, Finance Director; William Dorman, City Engineer; Daniel Mayberry, Service Director; Chell Rossi, Sue Mayberry, Donnie Poling, Paul Bagocius and Mike Mouse, Residents; Joan Porter, Repository; Amy Knapp, Independent.

### CORRECTING/ADOPTING THE RECORD OF PROCEEDINGS

Mrs. Zahirsky moved to adopt the record of proceedings of September 1, 2009, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

### REPORTS OF STANDING COMMITTEES

Economic Development: Mr. Deans reported they had a meeting and discussed the ongoing development of the city brochure. It will be used for residential and businesses based upon the inserts. The committee is looking at a grant through Ohio Development. They have reviewed updates of what could be included in the packet.

It was discussed about the Chamber of Commerce being the best place to distribute the packet. Mr. Cozy will discuss with them and report back to Council.

Personnel Committee: Mrs. Zahirsky stated the committee met to discuss Ordinance 15-09 which has been tabled regarding the bonuses for the fire department and the possibility of making it go forward. The bonuses would be for officers. There would be an 80/20 cap, with 20% going for bonuses and 80% would go for fire truck fund. It was discussed that Chief Green was concerned on the burden being put on him on how to divide the bonus. There were some suggestions made and Captain Boyd will discuss with the Chief before going forward with the ordinance. It was discussed to let the Chief make the decision based on salary less what they received for their stipend as an officer. It would be based on their call back salary. Mrs. Zahirsky stated they don't agree with Chief Green's suggestion that they mirror what the township pays. Mr. Svab confirmed with Lawrence Township what they pay. Lawrence Township officers don't get call back pay, they only receive officer pay.

9-80's Mrs. Zahirsky stated the committee discussed the 9-80 pay period that is used where she works. It is a way of allowing employees to have a

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flex week. Employees would work 4-9 hours days and 8 hours on Friday, following week 4-9's with Friday off. There are two teams so each department is covered and not left without staffing. It can't work though for a department that has shifts.

Mrs. Zahirsky stated they will allow the City Manager to decide if he wants to move forward with it. Not all employees have to participate.

Safety Committee: Mr. Losch stated he would like to have a Safety Committee meeting on October 8 to discuss part-time EMS staffing with Lawrence Township.

Mrs. Cihon and Mrs. Zahirsky will be out of town that date. An alternative date is October 20 at 6:00 PM at City Hall. Will have to check with Lawrence Township and confirm date and time of meeting.

**CITIZENS' COMMENTS – AGENDA MATTERS** - None

**REPORTS OF ADMINISTRATIVE OFFICERS**

***SENIOR CITIZENS (Nellie Cihon) -***

Swiss Steak Dinner: The next swiss steak dinner will be held on October 17, 2009 at the Center.

Trip: The Center will be taking a trip to Rivers Casino on October 27<sup>th</sup>. The cost is \$30 with \$10 back in coin and \$5 in food voucher.

**COMMUNITY SERVICE (*John Murphy, Coordinator*) -** Written

***FIRE CHIEF (Glenn Boyd, Captain) –*** No Report.

***POLICE DEPARTMENT (Dave Frisone, Chief) –***

Monthly Report: Chief Frisone distributed the monthly report. There were 8 assaults, which was an increase. There were 7 DUI's for the month which is the product of national campaign with DUI taskforce. There has been more property crime and accidents for the month.

Stark County Pandemic Flu Planning Meeting: The Stark County Department of Health sponsored a class on Pandemic and H1N1-What You Need to Know. They are putting together a page on their website that will be used to communicate information.

Once the vaccine is available, it will be given based on at risk persons.

There will be sites throughout Stark County that will be used to do mass vaccinations if needed. Canal Fulton's Trinity Church is one location.

Mr. Losch stated his employer is taking extra steps at work and provides sanitary wipes and hand sanitizers.

***ENGINEER/STREETS/PUBLIC UTILITIES (Dan Mayberry/William Dorman):***

State Route 93 Repaving: Mr. Dorman stated this project is in completion stage.

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Lakewood Estates: Construction has begun.

High Street Sanitary Sewer/Waterline Project: The project has begun and is expected to be done in a month.

OPWC Grant: Mr. Dorman stated he is assisting administration with a grant application for the 2010 Program. It is due Friday, September 18. The request is for Portage/Locust Street Rehabilitation Paving Program.

Marshallville Sanitary Sewer: Mr. Dorman stated bids were received for the project. The Engineers estimate was \$453,000. Bids ranged from just under \$300,000 to a high of over \$500,000. The apparent low bidder is Wenger Excavating. A recommendation will be made at the next Council meeting.

2009 Paving Program: Mr. Mayberry reported a preconstruction meeting was recently held with Northstar. The project is soon to be starting.

Boardwalk Steps: Mr. Losch asked about the project for the steps going off the boardwalk.

Mr. Mayberry stated what they thought would be easy has become complex. They have to obtain permit from the County Building Department. We need to get a set of drawings for the construction. We had the contractor lined up but the County wanted more information than we thought was going to be necessary.

**FINANCE DIRECTOR (Scott Svab)**

August Financial Statement: Mr. Svab stated he has included in the August Financial Statement and would like to have a voice motion.

Mrs. Zahirsky moved that they are in receipt of the August Financial Statement, seconded by Mr. Deans. **ROLL: Yes, ALL.**

Mr. Svab reviewed the report and stated income tax revenues are still meeting expectations. The EMS receipts are up.

**CITY MANAGER (Mark Cozy)**

Building Doctor Clinic: Mr. Cozy reported they are scheduling for a two day clinic in the spring. Building owners must pre-register. Mayor Grogan wants to sponsor this event. It is \$325. Mr. Bagocius will allow them to stay at his bed and breakfast and the Chamber of Commerce will pay the remaining costs.

Mr. Cozy stated he has offered to assist businesses with writing grants to help renovate their buildings. He feels we need to make some efforts to help preserve the buildings.

Community Plan: The Committee will be hosting an open house on October 5, 2009 at 7:00 PM at the Northwest Middle School Library.

Chocolate and Sweeties Canal Boat Cruise: The cruise will be held on September 17. Seats still available

There are still three cruises left for the year.

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Public Service Committee Meeting: Mr. Cozy stated he would like to request a Public Service Committee meeting to discuss First Energy Solutions program that is available for citizens. Grant monies available to city for the program. First Energy Solutions would like a commitment from the City through 2019.

Mr. Moellendick moved to have a Public Service Committee meeting on September 22, 2009 at 6:00 PM to discuss the electric aggregation program, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

OPWC Grant: The grant application for the OPWC is due Friday, September 18, 2009. Law Director Fellmeth distributed the Resolution granting authorization to apply for the grant. It would need to be passed under suspension of the rules due to the deadline. It is to pave Locust Street from Prospect Street to old corporation limit. It is for funding year 2011.

Executive Session: Mr. Cozy stated he would like to have an executive session at the end of the meeting for the purpose of compensation of a public employee or official and if someone wanted to add to the session they could.

Dog Park: Mrs. Zahirsky stated she would like to report on the dog park. She stated the grass is long and people are using the park. She stated she spoke with the street department and an agreement has been made to cut it more frequently.

The department was letting the grass grow taller for the root system with winter season coming.

**REPORT OF MAYOR (John Grogan)** Not Present

**PARKS & RECREATION BOARD (Fred Fleming)** - Not Present

**LAW DIRECTOR (Scott Fellmeth)** -

Real Estate: Law Director Fellmeth stated the real estate the Mr. Plies owned has been sold and the new owner is Roger VanSickle. The building is the oldest in the historic district.

Proposed Identity Theft Program: Law Director Fellmeth stated he has prepared a proposed identity theft program and will distribute at end of meeting. There will need to be a program committee and administrator. He stated the control should be by the City Manager. He would like some guidance from Council as to who they want on the committee. He would like to have the Resolution for this program to be on the next agenda.

**THIRD READINGS**

**TABLED: Resolution 15-09:** A Resolution by the Council for the City of Canal Fulton, Ohio To Create a Fund to Purchase A Fire Truck and A Bonus Pool to Provide Compensation to Fire Personnel.

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**Resolution 19-09:** A Resolution by the Council for the City of Canal Fulton, Ohio to Enter Into A Contract with the Ohio Public Works Commission for the High Street/Erie Avenue Plum Creek Culvert Replacement.

Law Director Fellmeth stated this Resolution is the same that was passed at last meeting that we had to add the emergency language to and advised Council to vote this Resolution down.

Mrs. Zahirsky moved for passage of Resolution 19-09, seconded by Mr. Deans. **ROLL: No, ALL.**

**SECOND READINGS** - None

**FIRST READINGS**

**Ordinance 31-09:** An Ordinance Amending Chapter 1178 Entitled Suburban Office District of the Planning and Zoning Code of the Codified Ordinances of Canal Fulton, Ohio and Repealing Any Ordinance in Conflict Therewith.

**STANDS AS FIRST READING**

**Resolution 26-09:** A Resolution Requesting a Grant of \$647,833.00 from the Ohio Public Works Commission for the Locust Street Paving Project, and Declaring an Emergency.

Mrs. Downing moved to suspend the rules on Resolution 26-09, seconded by Mrs. Zahirsky. **ROLL: Yes, ALL.**

It was stated that it should read from Prospect Street to the Eastern corporate limit and not Lakeview Drive.

Mrs. Zahirsky moved for passage of Resolution 26-09 under suspension as amended, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

**PURCHASE ORDERS & BILLS**

**P.O. 5769** to Ohio Police & Fire Pension Fund for Quarterly Police Pension Payment in the Amount of \$20,706.39.

Mrs. Downing moved to approve P.O. 5769, seconded by Mr. Losch. **ROLL: Yes, ALL.**

**P.O. 5770** to Ohio Municipal Insurance for Liability Insurance Deductible, Claim #08-005242 in the Amount of \$5,000.00.

Mr. Deans moved to approve P.O. 5770, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

Mrs. Zahirsky asked what this purchase order was for. Mr. Svab stated it was for a claim for the police department for legal fees regarding the solicitor lawsuit that was mediated.

**Bills:** \$89,147.81 Mr. Losch moved for approval of the bills, seconded by Mr. Moellendick. **ROLL: Yes, ALL.**

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**OLD/NEW/OTHER BUSINESS** - None

**REPORT OF PRESIDENT PRO TEMPORE (Nellie Cihon)** - None

**REPORT OF SPECIAL COMMITTEES** - None

**CITIZENS COMMENTS-Open Discussion (Five-Minute Rule)** -

Paul Bagocius: Mr. Bagocius asked for an explanation of P.O. 5770.

Chief Frisone stated it was for a solicitor that was in town. He was with someone that had registered. The person was not arrested but complained that he was retained too long. It was mediated out of court.

Mike Mouse: Mr. Mouse stated the street department did some concrete repairs on sections of Stonewood last year and are now doing repair on Riverview.

Mr. Mouse stated in regards to the dog park they probably need a better fertilization program.

Mr. Mouse asked how the money is being processed that is being received from the school. He wanted to know what the plan is if the city loses the annexation battle.

Law Director stated we are legally collecting the funds so no plan has been established.

**EXECUTIVE SESSION**

Mrs. Zahirsky moved to enter into Executive Session for the purpose of discipline of a public employee or official; compensation of a public employee or official at 8:03 PM with the elected officials, law director, city manager and finance director present, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

Mr. Losch moved to return to public session at 8:40 PM, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

As a result of the executive session, the following action was taken.

Mrs. Zahirsky moved to give Tammy Ammon and Terry Woods, Canal Fulton Museum volunteers, each a stipend in the amount of \$200, seconded by Mrs. Downing. **ROLL: Yes, ALL.**

**ADJOURNMENT**

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Tammy Marthey, Clerk of Council

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Nellie Cihon, President Protemp